

10/567763

IAP5 Rec'd PCT/PTO 10 FEB 2006

Express Mail No. ED 488183837 US

Docket No.: 21864USWO/1 (C038435/0196794)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS  
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT  
COOPERATION TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371

*In re* Patent Application of: )  
Alan BERRY *et al.* )  
Based on Int'l Application No.: PCT/CH2004/000511 ) Examiner: Not yet assigned  
International Filing Date: 16 August 2004 ) Art Unit: Not yet assigned  
Filed: Herewith )  
For: **MICROBIAL PRODUCTION OF L-ASCORBIC ACID** )

New York, New York  
February 10, 2006

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants wish to make of record the following documents (a Form PTO-1449 listing the documents is enclosed). The following documents were cited in the International Search Report mailed July 12, 2005, in the Written Opinion of the International Searching Authority also mailed July 12, 2005, and/or in the Preliminary Report on Patentability mailed November 21, 2005 in the international application corresponding to the above-captioned case.

IAP5 Rec'd PCT/PTO 10 FEB 2006

**FOREIGN PATENT DOCUMENTS**

	<b><u>Document No.</u></b>	<b><u>Date</u></b>	<b><u>Country</u></b>
B1	EP 0 922 759	6/16/1999	Europe
B2	WO 97/04101	2/6/1997	PCT
B3	WO 03/016508	2/27/2003	PCT
B4	EP 0 911 415	4/28/1999	Europe
B5	WO 03/104445	12/18/2003	PCT
B6	WO 2004/029269	4/8/2004	PCT
B7	WO 03/089634	10/30/2003	PCT
B8	WO 2004/029235	4/8/2004	PCT

**OTHER DOCUMENTS**

- C1 Saito *et al.*, "Cloning Of Genes Coding For L-Sorbose And L-Sorbose Dehydrogenases From *Gluconobacter oxydans* And Microbial Production Of 2-Keto-L-Gulonate, A Precursor Of L-Ascorbic Acid, In A Recombinant *G. oxydans* Strain," App. & Environ. Microbiol., vol. 63, no. 2, pp. 454-460 (1997).
- C2 DATABASE EMBL [Online], "Agrobacterium Tumefaciens Str. C58 Linear Chromosome, Section 35 of 187 Of The Complete Sequence," XP002321379, EBI accession no. EM\_PRO:AE009265 (2001).
- C3 DATABASE Uniprot [Online], "Glucose Dehydrogenase," XP002321380, EBI accession no. UNIPROT:Q882Q7 (2003).
- C4 Sugisawa *et al.*, "Isolation And Characterization Of A New Vitamin C Producing Enzyme (L-Gulono- $\gamma$ -lactone Dehydrogenase) Of Bacterial Origin," Biosci., Biotech., & Biochem., XX, XX, vol. 59, no. 2, pp. 190-196 (1995).
- C5 Sugisawa *et al.*, "Microbial Production Of 2-Keto-L-Gulonic Acid From L-Sorbose And D-Sorbitol By *Gluconobacter Melanogenus*," Agr. & Biol. Chem., vol. 54, no. 5, pp. 1201-1209 (1990).
- C6 Lee *et al.*, "Screening For L-Sorbose And L-Sorbose Dehydrogenase Producing Microbes For 2-Keto-L-Gulonic Acid Production," J. of Indus. Microbiol. & Biotech., vol. 23, no. 2, pp. 106-111 (1999).

**OTHER DOCUMENTS**

- C7 Shinjoh et al., "Cloning And Nucleotide Sequencing Of The Membrane-Bound L-Sorbose Dehydrogenase Gene Of *Acetobacter liquefaciens* IFO 12258, and Its Expression In *Gluconobacter oxydans*," Appl. & Environ. Microbiol., vol. 61, no. 2, pp. 413-420 (1995).

The Examiner's independent consideration of all of these documents and their relevance before issuance of the first official action is respectfully requested. The Examiner is also requested to initial and return a copy of the accompanying form PTO-1449 to evidence such consideration.

Copies of the International Search Report, Written Opinion, and Preliminary Report on Patentability of the International Searching Authority are enclosed herewith. The documents cited in these reports are identified herein and clean copies of documents other than U.S. Patent Documents are provided. See MPEP § 609(III)(A)(2)(A) (8<sup>th</sup> Ed., Rev. 2, May 2004, p. 600-128); See also 1276 OG 55 (August 5, 2003) (Waiving the requirement under Rule 98(a)(2)(1) to provide a copy of each cited U.S. patent document for any application filed after June 30, 2003.).

This Information Disclosure Statement is being filed in accordance with the provisions under 37 C.F.R. §1.97(b)(2), within three months of the date of entry of the national stage of the international application. Accordingly, no fee is believed to be due. If, however, a fee is due, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

10/567763

IAP5 Rec'd PCT/PTO 10 FEB 2006

If the Examiner has any questions regarding this paper, please contact

the undersigned attorney.

Respectfully submitted,

By: Charles M. Avigliano

Charles M. Avigliano

Reg. No. 52,578

BRYAN CAVE LLP

1290 Avenue of the Americas

New York, New York 10104

Tel: (212) 541-2000

Fax: (212) 541-4630

IAP5 Rec'd PCT/PTO 10 FEB 2006

Form PTO-1449 (Rev. )	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 21864USWO/1 (C038435/0196794)	INTERNATIONAL APPLN. NO. PCT/CH2004/000511
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANT Alan BERRY <i>et al.</i>	10/567763
		INTERNATIONAL FILING DATE 16 August 2004	GROUP Not yet assigned

## U.S. PATENT DOCUMENTS

Examiner Initial	Cite No.	U.S. Patent Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	B1	EP 0 922 759	6/16/1999	Europe				
	B2	WO 97/04101	2/6/1997	PCT				
	B3	WO 03/016508	2/27/2003	PCT				
	B4	EP 0 911 415	4/28/1999	Europe				
	B5	WO 03/104445	12/18/2003	PCT				
	B6	WO 2004/029269	4/8/2004	PCT				
	B7	WO 03/089634	10/30/2003	PCT				
	B8	WO 2004/029235	4/8/2004	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

C1	Saito <i>et al.</i> , "Cloning Of Genes Coding For L-Sorbose And L-Sorbose Dehydrogenases From <i>Gluconobacter oxydans</i> And Microbial Production Of 2-Keto-L-Gulonate, A Precursor Of L-Ascorbic Acid, In A Recombinant <i>G. oxydans</i> Strain," <u>App. &amp; Environ. Microbiol.</u> , vol. 63, no. 2, pp. 454-460 (1997).
C2	DATABASE EMBL [Online], "Agrobacterium Tumefaciens Str. C58 Linear Chromosome, Section 35 of 187 Of The Complete Sequence," XP002321379, EBI accession no. EM_PRO:AE009265 (2001).
C3	DATABASE Uniprot [Online], "Glucose Dehydrogenase," XP002321380, EBI accession no. UNIPROT:Q882Q7 (2003).
C4	Sugisawa <i>et al.</i> , "Isolation And Characterization Of A New Vitamin C Producing Enzyme (L-Gulono-γ-lactone Dehydrogenase) Of Bacterial Origin," <u>Biosci., Biotech., &amp; Biochem.</u> , XX, XX, vol. 59, no. 2, pp. 190-196 (1995).
C5	Sugisawa <i>et al.</i> , "Microbial Production Of 2-Keto-L-Gulonic Acid From L-Sorbose And D-Sorbitol By <i>Gluconobacter Melanogenus</i> ," <u>Agr. &amp; Biol. Chem.</u> , vol. 54, no. 5, pp. 1201-1209 (1990).

EXAMINER	DATE CONSIDERED
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form PTO-1449 (Rev. )	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 21864USWO/1 (C038435/0196794)	INTERNATIONAL APPLN. NO. PCT/CH2004/000511
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANT Alan BERRY <i>et al.</i>	<b>10/567763</b>
		INTERNATIONAL FILING DATE 16 August 2004	GROUP Not yet assigned

## U.S. PATENT DOCUMENTS

Examiner Initial	Cite No.	U.S. Patent Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages Etc.)

C6	Lee <i>et al.</i> , "Screening For L-Sorbose And L-Sorbose Dehydrogenase Producing Microbes For 2-Keto-L-Gulonic Acid Production," <u>J. of Indus. Microbiol. &amp; Biotech.</u> , vol. 23, no. 2, pp. 106-111 (1999).
C7	Shinjoh <i>et al.</i> , "Cloning And Nucleotide Sequencing Of The Membrane-Bound L-Sorbose Dehydrogenase Gene Of <i>Acetobacter liquefaciens</i> IFO 12258, and Its Expression In <i>Gluconobacter oxydans</i> ," <u>Appl. &amp; Environ. Microbiol.</u> , vol. 61, no. 2, pp. 413-420 (1995).

EXAMINER	DATE CONSIDERED
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	